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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,962	06/13/2001	Roger Michel Helene Bergs	0142-0355P	3480
2292	7590	12/15/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TRUONG, LECHI	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/878,962

Applicant(s)

BERGS ET AL.

Examiner

LeChi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 08/18/2004 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-39 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 8-25, 30-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leiman et al(US. Patent 6,469,796 B1) in view of Murphy et al (US. Patent 6,076,110).

3. **As to claim 1**, Leiman teaches the invention substantially as claimed including: at least two processing devices (production printer, col 2, ln 23-42/ multiple printer, Fig.3), a network (network LAN, Fig. 3), receiving (receiving, col 2, ln 27-30), a definition of a job (printer jobs, col 2, ln 27-30/ job queue option/ a job queue status table, col 7, ln 35-67/ col 8, ln 1-16), a user (the operator, col 7, ln 34-40/ col 8, ln 1-18), automatically (automatically, col 8, ln 20-21/ col 10, ln 23-25), checking whether all processing devices belonging to predetermined set selecting from the plurality of processing devices are suitable for performing the job(col 8, ln 1-10 and ln 12-16), predetermined set (a matching set-up, col 8, ln 18-21/a sep-up compatible, col 2, ln 28-40), selection of device(col 8, ln 20-21 and ln 62-65), an indication(indicate, col 7, ln 1-15, col 8, ln 10-18), transmitting at least a part of the job to the selected processing device(sending a

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selected print job ... to printer, col 2, ln 30-35/ distributing the print jobs from the printer server computer to the printers in accordance with the assignments , col 10, ln 1-5).

4. Leiman does not explicit teach the term receiving a selection of a processing device.

However, Murphy teaches receiving a selection of a processing device (communicating a device name from client to server, col 13, ln 45-67/ responsive to said device name being available, communicating acceptance over said wide area network from said server to said client, col 13, ln 45-67).

5. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Leiman and Murphy because Murphy's receiving a selection of a processing device would provide an improved system, an method for selecting a device for printing.

6. **As to claim 2**, Leiman teaches printing devices (multiple printers, Fig.3).

7. **As to claim 3** Leiman teaches a device is not suitable and reason (if the print job set-up does not match the printer set-up, col 8, ln 10-15).

8. **As to claim 4**, Leiman teaches selected by the user (GUI, ln 10-15).

9. **As to claim 8**, Leiman teaches the selected processing device (a printer having a matching set-up, col 8, ln 20-22).

10. **As to claim 9**, Leiman teaches the job is passed to the selected processing device (sending a selected print job ... to printer, col 2, ln 30-35/ distributing the print jobs from the printer server computer to the printers in accordance with the assignments, col 10, ln 1-5).

11. **As to claim 10**, Murphy teaches confirmation of the selection is received from the user of system (communicating a device name from client to server, col 13, ln 45-67/ responsive to said

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device name being available, communicating acceptance over said wide area network from said server to said client, col 13, ln 45-67).

12. **As to claim 11**, Leimen teaches a prediction (selecting, col 8, ln 5-10), a change from the predicted selection ... from the user (col 7, ln 35-67).

13. **As to claims 12, 13, 14, 15, 16**, Leimen teaches the criterion are a processing property of the processing device, a distance, availability of processing device, the processing cost, a previously indicated (Fig. 18).

14. **As to claim 17**, Leiman teaches indication via the presentation means separately (indicate through words 146 and the color of the icon the status of the corresponding device, col 7, ln 5-10).

15. **As to claim 18**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Leiman teaches indicate (indicates if, col 8, ln 14-16), a reason (the printer set-up does not match the printer job set-up, ln 12-13).

16. **As to claim 19**, Leiman teaches the reason (the status, col 7, ln 5-15), the processing device (device, col 7, ln 5-15), a user (a graphic user interface, col 7, ln 5-15).

17. **As to claims 20-24**, they are apparatus claims of claims 2, 1, 4; therefore, they are rejected for the same reasons as claims 2, 1, 4 above.

18. **As to claim 25**, Leimen teaches allocation means are controllable by a user (printing including controlling the printing of print jobs on high-speed production printer through graphical user interface, col 2, ln 23-27).

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19. As to claims 30, 31, 33, they are apparatus claims of claims 11-16, 9; therefore, they are rejected for the same reasons as claims 11-16, 9 above.

20. As to claim 32, Leimen teaches user (GUI, col 7, ln 1), the selection (selecting, col 8, ln 5-15).

21. As to claim 34, Leimen teaches second indicating ... processing device belonging to the set is suitable for performing the job (indicate through words 146 and the color of the icon the status of the corresponding device, col 7, ln 5-10).

22. As to claim 35, it is an apparatus claim of claims 1 and 18; therefore, it is rejected for the same reasons as claims 1 and 18 above.

23. As to claims 36, 37, 38, 39, they are an apparatus claims of claims 24, 2, 1, 18; therefore, they are rejected for the same reasons claims 24, 2, 1, 18 above.

24. Claims 5-7, 26, 27- 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leiman et al (US. Patent 6,469,796 B1) in view of Murphy et al (US, Patent 6,076,110) and further in view of Admitted prior Art (APA).

25. As to claim 5, Leimen and Murphy do explicit teach a part of job. However, APA teaches a part of job (a job ticket content required setting, page 1, ln 10-22).

26. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Leimen, Murphy and APA because APA's a job ticket content required setting would provides an order for processing information.

27. As to claim 6, APA teaches the job setting (page 1, ln 10-22).

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28. **As to claim 7**, Leimen teaches the user simultaneously ... via the presentation (the operation may select a Job Queue option 156 from a view menu 158, col 7, ln 33-40).

29. **As to claim 26**, APA a part of job (a job ticket content required setting, page 1, ln 10-22).

31. **As to claim 27**, it is apparatus claim of claim 6; therefore, it is rejected for the same reason as claim 6 above.

30. **As to claim 28**, Leimen teaches the presentation (GUI, Fig. 6-8).

31. **As to claim 29**, it is an apparatus claim of claim 7; therefore, it is rejected for the same reason as claim 7 above.

Response to the argument

30. Applicant amendment filed on 10/05/2004 has been considered but they are not Persuasive.

In the remarks, applicant argued in substance (1) “ the Leiman et does not teaches receiving a selection of a processing device”

(2) “ automatically checks whether all processing devices belonging to predetermined set selected from a plurality of processing device are suitable for performing the job”.

(3) “ the automatic check for suitability of the processing devices is made before the user selects a certain processing device from this set and thus, the out come of this check can be used by the user to make an appropriate selection”.

(4) “ Leiman et al. Merely teaches indicating that the print job can not be printed but does indicate a reason for the non-suitability “

31. Examiner respectfully traversed Applicant’ s remarks:

As to point (1), Leiman teaches selection of a processing device, but Leiman does not teach teach the receiving the selection of a processing device. However, Murphy teaches,

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receiving a selection of a processing device (communicating a device name from client to server (col 13, ln 45-67), responsive to said device name being available, communicating acceptance over said wide area network from said server to said client, col 13, ln 45-67).

As to point (2), Leiman clearly teaches automatically checks whether all processing devices belonging to predetermined set selected from a plurality of processing device are suitable for performing the job (if the print job set-up does not match the printer set-up, for example, the form required for the printer job is not loaded on the printer, the print jobs can not be printed on that printer, col 8, ln 12-16/ determining if printers have set-ups compatible with the set-up of the printer jobs assigned to them, col 9, ln 54-56 and ln 62-63).

As to point (3), "the automatic check for suitability of the processing devices is made before the user selects a certain processing device from this set and thus, the outcome of this check can be used by the user to make an appropriate selection" was not in claims. However, Leiman teaches through the printer set-up option in the view menu, the operator may configure available printer. When this option is selected, a pop-up menu 206 of available printers is displayed, and the printer is selected from this menu, a printer configuration dialog box 208 is displayed (col 8, ln 62-68/ Fig. 28).

As to point (4), Leiman teaches the reason for non-suitability (the print job set-up does not match the printer setup. For example, the printer job is not loaded on the printer, col 8, ln 12-14).

Conclusion

MENG-AL J. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

December 9, 2004